



W.P.(MD)No.3242 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3242 of 2023

R.Kala

... Petitioner

Vs.

1.The Commissioner of Municipality,
Department of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai-600 028.

2.The Commissioner,
Kadayanallur Municipality,
Kadayanallur,
Tenkasi District.

3.Mariammal

4.Gurulakshmi

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to grant the death benefits of the petitioner's 1/3rd share payable for the



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death of her father namely Late S.Madasamy (Employee No.60) while in service died on 16.11.2022, consequentially to provide compassionate ground appointment to her by considering her representation dated 06.02.2023, within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondent : Mr.S.P.Maharajan

Special Government Pleader

ORDER

This writ petition has been filed for a direction to the second respondent to grant the death benefits of the petitioner's 1/3rd share payable for the death of her father namely Late S.Madasamy (Employee No.60) on 16.11.2022, while in service and to provide compassionate ground appointment to her by considering her representation dated 06.02.2023, within the period stipulated by this Court.

2. The case of the petitioner is that the petitioner is the daughter of the deceased Government servant namely S.Madasamy and her father performed the second marriage with the third respondent after the death of the petitioner's mother. Thereafter, the petitioner's father died on



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16.11.2022. The respondents 3 and 4 are illegally trying to get the entire terminal benefits of his father. Hence, the petitioner has sent a representation to the respondents 1 and 2 on 06.02.2023 to grant 1/3rd death benefits of her father and to provide compassionate appointment to her. But, till date, no order was passed. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if this Court directs the second respondent to conduct enquiry between the petitioner and the respondents 3 and 4 and pass appropriate orders after providing opportunity to the petitioner, within a specified period.

4. The learned Special Government Pleader appearing for the respondents 1 and 2 has no serious objection for such an order being passed by this Court.



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5. Since no adverse order has been passed against the respondents 3 and 4, notice to the respondents 3 and 4 is dispensed with.

6. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the second respondent to conduct enquiry between the petitioner and the respondents 3 and 4 and pass appropriate orders on merits and in accordance with law, on the representation of the petitioner, dated 06.02.2023, after providing opportunity to the petitioner and the respondents 3 and 4, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

20.02.2023

ssb
NCC:Yes/No
Index:Yes/No
Internet:Yes/No

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M.DHANDAPANI,J.

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